REMARKS

The Examiner rejected independent claims 1, 11, and 16 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,530,754 to Garfinkle *et al.* ("Garfinkle"). "[A] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Garfinkle fails to disclose every element of claims 1, 11, or 16.

Garfinkle discloses a video-on-demand system in which catalog data – comprising trailers, previews, and lead-in's for the initial portions of some movies – is transferred to and locally stored at user sites. (col. 2, lines 1-13, Fig. 1, Fig. 3) Menu-driven software allows a user to search the catalog, view trailers and previews, and to select a movie. If a lead-in for the selected movie is stored in the local catalog, it begins to play while the (compressed) data for the rest of the movie is downloaded to the user side. (col. 1, lines 58-67) All user interaction – including all selection of content – is performed <u>locally</u>.

The architecture of Garfinkle is depicted in Figure 1. The main product store 12 (movies) and the main catalog store 14 (trailers, previews, and the like) are maintained at a remote, central station 10. At a representative user site 18 are a local catalog store 22 and a local product store 24, controlled by a local processor 20 receiving user input 28. "[C]atalog data is downloaded periodically from the central station 10 to each of the user sites 18." col. 3, lines 8-9. This activity is <u>not</u> in response to user inputs. Content selection, whether trailers or movies, is performed <u>locally</u>. See, *e.g.*, col. 3, line 62 – co. 4, line 6:

> A cursor 53 can be manipulated by the user via the input device 28 to <u>command the microprocessor 20 to address and fetch from the catalog store 26 the material called for</u> by means of the cursor 53. The user can also order a desired video product by pointing with the cursor to the desired product and entering an appropriate command, such as a "click" with a

mouse type input. <u>The microprocessor 20 will transmit via a modem, for example, connected to the link 16 the appropriate identification data of the desired product to the central station</u> along with a site identifier for billing purposes and as a download address.

The microprocessor 20 is local to the user (see Figure 1). The local microprocessor 20 displays a menu, receives user input, and selects content in response to the user input. The local microprocessor 20 then – after the content has been selected and, if present, a lead-in has begun playing – sends a request to the central station 10, which responsively downloads a compressed movie. Garfinkle does not disclose or suggest content <u>selected remotely</u> in response to user input.

Claim 1 recites, "displaying content on said television, said content <u>selected</u> in response to said control inputs <u>by a controller located **remotely** from said television</u>." See Figure 1, depicting a remotely located controller 14 selecting content from the server 46 in response to user inputs transmitted to it via RS-422 serial bus 38. In contrast, Garfinkle clearly discloses that all content selection is performed by a local microprocessor 20. Following the content selection, a request for the selected content is forwarded to a central station 10, which retrieves and delivers the selected content. For at least the reason that Garfinkle fails to disclose or suggest content selected in response to user control inputs by a controller located remotely from the television, the § 102 rejection of claim 1 is improper and must be withdrawn.

Claim 11 recites, "a controller located <u>remotely</u> from said television and operative to <u>select content</u> for said television in response to said control inputs." The remote station 10 of Garfinkle does not select content to be displayed on a user's television – <u>all</u> content selection is done by the <u>local</u> microprocessor 20, which subsequently forwards a request to the central station 10 to download the selected content. For at least the reason that Garfinkle fails to disclose or suggest a controller located remotely from a user television and operative to select content for the television, the § 102 rejection of claim 11 is improper and must be withdrawn.
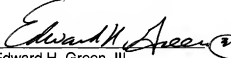
Claim 16 recites, "centrally locating, remote from said televisions, a corresponding plurality of controllers; receiving control inputs at each said television, and transmitting said control inputs to a corresponding controller; [and] selecting content by each controller in response to said control inputs." The controllers are located remotely from their respective televisions, and these remote controllers select content for the televisions in response to user input. Garfinkle discloses only a local microprocessor 20 receiving user input, and selecting content for the television. For at least the reason that Garfinkle fails to disclose or suggest controllers located remotely from their respective televisions, each controller selecting content for its television, the § 102 rejection of claim 11 is improper and must be withdrawn.

Furthermore, Applicant notes that locating the content-selecting controllers remotely from their associated televisions is not merely an obvious design choice, but presents significant advantages lacking in locally-controlled prior art solutions such as Garfinkle. As discussed in Applicant's specification, e.g., at p. 2, lines 3-16, the hospital environment imposes stringent electrical isolation, electromagnetic interference, and sanitation constraints on local "set-top boxes" such as the system disclosed in Garfinkle. By locating the content-selecting controllers remotely, and transporting user inputs to the remotely-located controllers, the only hardware that must be certified for use in a hospital room is the user interface device. Numerous hospital-approved user interfaces are known in the art, such as the pillow speaker 22 depicted in Fig. 1. The present invention allows a broad array of audio/video content to be made available to hospital patients without incurring the significant cost and delay of certifying each content selection controller for the hospital environment.

All dependent claims include all limitations of their respective parent claim(s), and thus also define patentable novelty over the disclosure of Garfinkle. Furthermore, since Garfinkle fails to teach or suggest the limitations for which it is cited in the rejection of various dependent claims under § 103, the § 103 rejections are improper and must be withdrawn. All pending claims are in condition for allowance, which prompt action is hereby respectfully requested.

Respectfully submitted,

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